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January 28, 2015

Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: *Rio Tinto v. Vale et al*, Civil Action No. 14-cv-3042 (RMB) (S.D.N.Y.)

Dear Judge Peck:

We submit this brief response to Defendant Vale's letter of January 28, 2015. While it may have nominally met the deadline, Rio Tinto did not believe a production containing incomplete documents due to the unforeseen technical issues it discovered would have met the Court's expectations regarding discovery. Instead of producing such incomplete documents, we went back in good faith to correct the problem (at no small cost to Rio Tinto). As a result of our corrective actions, we can continue rolling out productions to Vale forthwith, completing them no later than February 16, 2015 and even sooner if possible. Vale now has over 11,500 documents to review on the BHP issue alone and has not identified any tangible prejudice in receiving the rolling productions we have proposed. Notably, we have reached agreement with Vale on a predictive coding protocol that should reduce the need for piecemeal productions going forward.

Rio Tinto is also finalizing its production of its investigative reports. All that remains, per internal procedures, is ensuring that Rio Tinto has complied with all of the notice and consent provisions that are part of its underlying contracts with its investigators and quality checking those reports to ensure that any production will not inadvertently disclose privileged or protected information. We have told Vale that we will be producing those reports no later than February 6, 2015 and Vale can substantiate no claim that production on that date will cause it any prejudice or harm. However, to the extent we can begin rolling out our production of investigative reports prior to February 6, we will do so.

Respectfully submitted,

/s/ Michael J. Lyle
Michael J. Lyle

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